

**COUNTY COURTS****County Court Rules (Amendment) Rules (Northern Ireland) 1969**

RULES, DATED 11TH JULY 1969, MADE BY THE MINISTER OF HOME AFFAIRS UNDER SECTION 146 OF THE COUNTY COURTS ACT (NORTHERN IRELAND) 1959.

I, the Right Honourable Robert Wilson Porter, Q.C., Minister of Home Affairs for Northern Ireland, in exercise of the powers conferred on me by section 146 of the County Courts Act (Northern Ireland) 1959(a) on the recommendation of the County Court Rules Committee and after consultation with the Lord Chief Justice, do hereby make the Rules hereinafter set forth.

Dated this 11th day of July 1969.

*R. W. Porter,*  
Minister of Home Affairs  
for Northern Ireland.

*Citation*

1. These Rules shall be cited as the County Court (Amendment) Rules (Northern Ireland) 1969.

*Commencement*

2. These Rules shall come into operation on the 1st day of September 1969.

*Schedule of Amendments*

3. The provisions of the County Court Rules (Northern Ireland) 1965(b) to which reference is made in column 1 of the Schedule shall have effect subject to the amendments specified in column 2 thereof.

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(a) 1959, c. 25.

(b) S.R. & O. (N.I.) 1965, No. 261.

## SCHEDULE

Amendment of the County Court Rules  
(Northern Ireland) 1965

Provision amended	Amendment
Order 41:	<p>After Rule 10 add the following Rule—</p> <p><i>“Administration of Estates: (Small payments to relatives)</i></p> <p>10A. Where the estate of a deceased person who has died intestate is entitled to money or securities in court not exceeding £500, and it is proved to the satisfaction of the judge that no administration has been taken out to the estate of the intestate, and that the estate does not exceed £500 in value including the amount of the money or securities in court, the judge may direct that such money or securities shall be paid or transferred to the person who, being widower, widow, child, father, mother, brother or sister of the intestate, would be entitled to take out administration to the estate.”</p>
Order 44: Rule 10	<p>In Rule 10 there shall be added the following paragraph—</p> <p>“(2) Notwithstanding anything in paragraph (1) in an undefended action for damages the judge may direct that the plaintiff’s costs shall be in accordance with Table 1 in Part I of Appendix ZL instead of Table 4 thereof and it shall always be within the judge’s discretion to allow counsel.”</p>
Order 46: Rule 3	<p>In paragraph (2) of the Rule after the words “clerk of the Crown and peace” there shall be inserted the words “or registrar”.</p> <p>In paragraph (4) of the Rule after the words “may be authenticated” there shall be inserted the words “and any certificate required by these Rules may be given”.</p>
Appendix C: Form 3	<p>For Form 3 in the Appendix there shall be substituted the following Form—</p> <p style="text-align: center;">“FORM 3</p> <p style="text-align: center;"><b>Civil Bill Ejectment for Overholding [and Arrears of Rent]</b></p> <p style="text-align: center;">ORDER 5, RULE 1(1)</p> <p style="text-align: center;">[Title as in Form 1]</p> <p>The sittings at which this civil bill is intended to be dealt with will commence on the            day of 19            and will be held at            ;</p>

Provision amended	Amendment
	<p>Whereas the defendant lately held part of the lands of _____ in the parish of _____ and barony of _____ situate in whole or in part in the Division aforesaid as tenant to the plaintiff under _____ at a rent of £ _____ per _____, which tenancy determined on the _____ day of _____ 19 _____, and whereas the annual value of such lands [<i>premises</i>] does not exceed £75;</p> <p>[And whereas the plaintiff is entitled to recover arrears of rent due and owing to the plaintiff under the said tenancy to the said day on which the said tenancy determined amounting to £ _____;]</p> <p>And whereas the defendant(s) is [are] in actual possession of the lands [<i>premises</i>] and no other person is in possession of any part thereof as tenant or under-tenant;</p> <p>The defendant(s), therefore, and all persons claiming to have any interest in the lands [<i>premises</i>] is [are] hereby required to appear at the aforesaid Court at the hour of _____ on the _____ day of _____ 19 _____ to answer the plaintiff's claim for the recovery of the possession of the said lands [<i>premises</i>], [and of the said rent] by reason of the matters aforesaid.</p> <p>Dated this _____ day of _____ 19 _____</p> <p>Signed _____</p> <p>Plaintiff/Solicitor for the Plaintiff</p> <p>Address _____</p>
Appendix ZL:	
Part I	<p>*Day for hearing as in court calendar.”</p> <p>In Part I of the Appendix in the heading above Table 4 the words “for Debt or Liquidated Demand” shall be omitted.</p>
Part II	<p>In Part II of the Appendix at the end there shall be added—</p> <p>“Where a Chancery action is remitted, the Judge shall direct which costs Tables shall apply having regard to the subject matter of the suit.”.</p>
Part VIII	<p>In Part VIII of the Appendix after paragraph 10 there shall be added—</p> <p>“11. Where Equity proceedings involve merely a declaration of title or a claim for damages for trespass to lands, or an injunction in relation to lands, it shall be in the discretion of the Judge to direct that costs shall be in accordance with Tables 6 and 7 in Part I in lieu of any other Tables or scales.”.</p>

## EXPLANATORY NOTE

*(This Note is not part of the Rules but is intended to indicate their general purport.)*

These Rules make certain miscellaneous amendments in the County Court Rules (Northern Ireland) 1965 (S.R. & O. (N.I.) 1965, No. 261).

The amendment to Order 41 of the Rules of 1965 enables money or securities in Court to be paid over to certain persons who are entitled to take out administration to an estate not exceeding £500 in value who have not in fact done so.

The amendment to Rule 10 of Order 44 and Part I of Appendix ZL to the Rules of 1965 is to enable the Judge to award costs on a scale appropriate to undefended claims in tort for damages.

The amendment to Rule 3 of Order 46 is to enable the registrar of a County Court to authenticate certain documents in the absence of the Clerk of the Crown and Peace.

The amendment to Form 3 in Appendix C is to prescribe a Form of Civil Bill joining a claim for arrears of rent with a claim for possession.

Part II of Appendix ZL to the Rules of 1965 is amended to give the Judge discretion to order costs appropriate to the subject matter of a remitted Chancery action.

Part VIII of that Appendix is also amended to give discretion to the Judge to order costs on a scale applicable to "Civil Bills—Title Jurisdiction" where Equity proceedings involve merely a declaration of title or an injunction.